

Staff Summary Report

Development Review Commission Date: 11/18/08

Agenda Item Number: _____

SUBJECT: Hold a public meeting for a Development Plan Review for BASELINE RETAIL located at 2005 West Baseline Road.

DOCUMENT NAME: DRCr_BaselineRetail_111808

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **BASELINE RETAIL (PL080308)** (Steven C. Cooper, owner; Chris Fergis, Fergis & Harding, Inc., applicant) consisting of a one story, 10,000 s.f. retail and restaurant building on 1.593 acres in the Commercial Shopping and Service District. The request includes the following:

DPR08178 – Development Plan Review including site plan, building elevations, and landscape plan.

PREPARED BY: Kevin O'Melia, Senior Planner (480-350-8432)

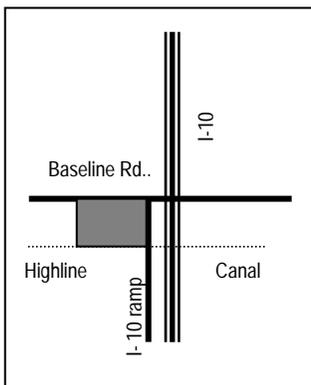
REVIEWED BY: Lisa Collins, Planning Director (480-350-8989) 

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO:



Gross/Net site area	1.593 acres (69,408 s.f.)
Building area	10,000 s.f. (7,512 s.f. retail + 2,488 restaurant s.f.)
Lot Coverage	14.40 % (50 % maximum allowed)
Building Height	+/- 31.13' (35.00' maximum allowed)
Building setbacks	+/- 111.48' front (E), 85.92' street-side (N), 44.54' side (S), 52.94' rear (W) (min. 20', 20', 0', 0')
Landscaped area	34.30 % (15 % minimum required)
Vehicle Parking	80 spaces (64 min. spaces req'd., 80 max. allowed)
Bicycle Parking	6 spaces (5 minimum bike spaces required)

The applicant is before the Commission requesting approval of a speculative retail and restaurant facility with attendant site and landscape improvements. This approval will replace a previous approval that was allowed to expire on May 30, 2008.

The current request was reviewed by the Commission on 09/09/08 and continued until 10/28/08, and again was continued until 11/18/08. On 09/09, a representative of the Arizona Grand resort raised questions concerning specific use of this retail/restaurant building, cited difficulty of vehicular site access due to heavy traffic on Baseline Road near the freeway and suggested the driveway location proposed was not the best site design solution. The City of Tempe Traffic Engineer fielded the Commission's questions and indicated the proposed driveway is the best of difficult site access choices available. On 09/09 the Commission criticized the architectural design and requested discussion between property owner and resort in an effort to resolve the resort's concerns.

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1. List of Attachments
- 2-4. Comments / Reasons for Approval
- 5-6. Conditions of Approval
- 7-9. Code / Ordinance Requirements
9. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-4. Letter of Explanation
5. Addenda to Letter of Explanation
6. A.D.O.T. letter, dated 4/2/07, indicating approval of 2005 W. Baseline Driveway proposal
7. Earl, Curley & Lagarde, P.C. electronic memo, dated 8/21/08, indicating concern with proposed use and site plan
8. Architectural Site Plan
9. Project Data
10. Floor Plan
11. North and West Elevations
12. South and East Elevations
13. Sections
14. Landscape Plan
15. Landscape Legend
- 16-23. Site Photos
- 24-25. Color Elevations
- 26-27. Letter from Owner's Legal Representative, dated 11/03/08, to Legal Representative of Arizona Grand Resort regarding negotiations between the two parties.

COMMENTS:

The site, in western Tempe, is currently vacant with the exception of an existing bill board in the southeast corner. An open irrigation feeder ditch is on the west side of the site. A few trees line the site perimeter. The site is on the Baseline Road corridor that connects Tempe and Phoenix. With I-10 entrance and exits at this location, this is a high traffic area. Baseline is to the north of the site, the I-10 freeway is to the east and the Highline Canal is to the south. The Arizona Grand Resort (in Phoenix) is to the south of the Highline Canal. An auto repair shop site was immediately to the west; this shop has been removed (the floor slab remains) and the shop site is now overflow parking for Aunt Chilada's Restaurant. Aunt Chilada's--which is under the resort's ownership--is to the west and the Baseline entrance drive to the Arizona Grand Resort is still farther west. A citrus orchard remnant is sandwiched between Aunt Chilada's and the resort entrance, which, along with the repair shop site, are vestiges of the farms and road side services of a bygone era.

The site is a combined lot which until recently included a main parcel and a narrow (50'-0" wide) U.S.A. "fee" parcel. The site preliminary plat to combine the two lots was approved by the Development Review Commission, the final plat was approved by the City Council, and the plat has been recorded at the County Recorder's office. In a previous development attempt in 2003, the owner proposed a temporary (unpaved, non-striped, non-illuminated) surface parking lot. This concept was not supported by city staff and the temporary lot was not approved or constructed. On May 8, 2007 the current project was approved by the Development Review Commission. This approval was allowed to expire on May 30, 2008 when building plan check of the construction documents expired.

On September 9, 2008 the case was heard by the Commission but was continued after objections were raised by a representative of the Arizona Grand Resort. The objection raised that is of principal concern to the Commission is as follows: provide vehicular site access as proposed OR (as proposed by the Resort) provide a shared access with the property to the west that utilizes the signalized intersection at Baseline and Wendler. The vehicular access impacts the site design of the project. The case was continued until October 28, 2008 to allow representatives of the subject property owner and the resort to discuss and possibly resolve the disagreement on site access. The discussion between the neighboring property owners did not occur in time for publication of the October 28, 2008 staff report. Staff accordingly recommended continuance of the case on October 28, which became the ruling of the Commission. Also on September 9, 2008 the architectural design was criticized by the Commission. This criticism was briefly reiterated by the Commission to the property owner's representative at the October 28, 2008 Hearing.

The architect has proposed an alternative design of the building elevations, which are presented this evening (November 18, 2008) for approval. The property owner and resort hotel representatives have also discussed site access and the use of the subject property. While this discussion has not achieved a break-through, the property owner's document of the discussion indicates that sincere communication has been made. Planning Staff recommends approval with the design modifications as currently presented.

PUBLIC INPUT

Since the project is a Development Plan only, neighborhood meeting or neighbor notification is not required. However, the Arizona Grand Resort is interested in the development. The resort's attorney has submitted a memo indicating concern with proposed use and site plan. The memo is included in the attachments (Attachment # 7). On September 9, 2008, the resort's attorney presented these concerns to the Commission. The criticism of the project is two-fold:

- The attorney notes the proposal does not reveal what use(s) will reside in this speculative retail and restaurant facility. This raises the questions whether the use(s) will comply with the provisions of the Zoning and Development Code for a site in the Commercial and Shopping Services District, or whether parking will be adequate for the use(s) proposed.
- The attorney argues the location of the "right-in, right out" driveway to the east of the Baseline/Wendler intersection is not as safe as a joint access driveway that aligns with Wendler Road at the Baseline/Wendler signalized intersection. Specifically, the proposed driveway may invite U-turns from west bound Baseline traffic through the Baseline/Wendler intersection. In addition, a vehicle exiting east-bound may have trouble maneuvering across the I-10 south-bound on-ramp deceleration lane.

Planning staff agrees the use(s) of the building are not stated other than restaurant / retail. As the use(s) become known, they will be made to conform to the Zoning and Development Code, including the standards of Part 3, Chapter 2 that govern use(s) in the Commercial Shopping and Services District and the vehicular and bicycle parking ratio standards of Part 4, Chapter 6.

The City Traffic Engineer and staff disagree with the statement that a driveway to the east of the Baseline / Wendler intersection is

less safe than a driveway aligned with Wendler Drive at the signalized intersection. Due to heavy traffic volume, traffic movement in this area is slow: "right in" and "right out" maneuvering will leave the smallest imprint on overall traffic congestion in this area. Regarding the U-turn concern from west-bound Baseline traffic--even if a driveway is proposed at the intersection--Traffic Engineering will not allow a left turn into the driveway from west-bound traffic due to the general slow down this would cause on Baseline as a whole.

PROJECT ANALYSIS

DEVELOPMENT PLAN REVIEW

Site Plan

The main area of the site and the Baseline frontage are cleared. An open irrigation ditch is along the west edge. The irrigation ditch and concrete headwalls will be replaced with a buried pipeline as part of this development. The site includes existing trees along its edges, mainly at the I-10 on-ramp (east) but also along the irrigation ditch (west). Staff has conditioned preservation of the existing frontage landscape, including that installed by the Arizona Department of Transportation adjacent to the I-10 access.

An existing bill board is located at the site south east corner. The billboard is of a height to be seen from the south-bound I-10. The bill board's origin is obscure but history search indicates the structure pre-dates enactment of Ordinance 808, which first prohibited new bill boards in the city. A perpetual easement has been granted to the bill board owner. Staff does not condition any modification to the bill board; the bill board is separate and incidental to the development and belongs spatially to the freeway.

Governmental clearance for the driveway is critical to the development. Due to proximity of the I-10 south-bound ramp entrance, the Baseline frontage is located within the A.D.O.T. control of access limit. The developer has received permission from the Arizona Department of Transportation for location of an on-site "right-in, right-out" site driveway west of Wendler Drive and east of the I-10 ramp. This driveway is indicated on the site plan. Traffic Engineering will not allow a driveway to be inserted northwest--diagonally--into the signalized intersection. A driveway aligned with Wendler Drive at the intersection--which would require a joint access agreement between the two adjacent property owners--would be allowed by Traffic Engineering. However, Traffic Engineering has stated that site access independent of the Baseline-Wendler intersection is preferred.

At the Development Review Commission on September 9, 2008 the architect and the resort's representative agreed to discuss further a joint access driveway that would serve this site and the adjacent Aunt Chilada's reserve site. This discussion has taken place as indicated by the Property Owner's legal representative in a letter dated November 3, 2008 (see attachments). The joint-access driveway would fully align (north-south) with Wendler Drive, be controlled by the signalized light, would be partially on site and partially on Aunt Chilada's property. Traffic Engineering has indicated support for a Wendler-aligned driveway for joint use as described above, with this restriction: the drive would include "right-in" and "right-out" maneuvering and would also include "left-out" (allowing traffic to exit and go west on Baseline) but will not allow "left-in" to the driveway from Baseline. However, the Traffic Engineer did state at the Development Review Commission on September 9, 2008 that the "right in--right out" driveway separate from the signalized Baseline / Wendler intersection, as is currently proposed, would be the better of the two vehicular site access choices in that a separate driveway would place a smaller burden on traffic movement through the intersection.

Building Elevations

In response to criticism from the Commission of September 9 and October 28, the architecture of the proposed building has been modified from a formal, Roman motif to an expression that is Spanish Colonial in form. The symmetrical character of the architecture is maintained. A rectilinear, central one story block with flat roof and parapet is bisected north-south with a central, narrow tall hall. The tall hall is capped with a low slope hip roof. The north end of the tall hall, facing Baseline Road, contains the main building entrance. The south end of the tall hall contains a secondary entrance. Attached to the east and west sides of the one story block are two full length lower additions that are each capped with half hip roofs. With minor modifications, the east-west and north-south elevation pairs are almost mirror images of each other. Full length, round arched windows with raised jamb and arch "pop-outs" are placed regularly around the four elevations. The glazing is non-reflective, low-emissivity material.

The wall surfaces of the building are exterior plaster. The exposed portions of the roof are a barrel type, integral color brown concrete roof tile. The exterior plaster field surfaces are three colors: a dark brown field for the building base all around and for the full height of the tall hall, a medium brown field for the upper part of the central one story structure, and a medium tan for the upper part of the

east and west additions and for the plain frieze board of the one story. Additionally, there is a light tan accent for the raised pop-outs that articulate the arched windows and horizontal belts that are above and below the frieze board at the top of the central one story structure.

Landscape Plan

The site edges feature several existing native and arid-adapted trees in the Baseline frontage and (off-site) along the western edge adjacent to the existing open irrigation ditch (photo 3). The trees to the west of the site will be left undisturbed. Two major existing Palo Verdes on site, one on the Baseline frontage directly south of Wendler Drive (photo 2) and one on the east adjacent to the A.D.O.T. on-ramp frontage and north of the bill board (photo 7), will be retained. The A.D.O.T. on-ramp frontage itself has been landscaped with arid-adapted trees and plant material which will not be disturbed. The site landscape concept proposed is typical of a suburban site. The landscape plant legend is arid adapted and features Mesquite, Desert Museum Palo Verde and Sweet Desert Acacia. A pair of Washington Fan Palms will flank the main building entrance at the north elevation. As a counterpoint, a row of Evergreen Elm, appropriately proposed along the buried waterway on the west and along open canal on the south, will provide a shade and visual buffer at the west and south site edges.

Approval Criteria

Section 6-306 D Approval criteria for Development Plan Review

- Site layout maximizes natural surveillance and visibility of pedestrian areas (building entrances, pathways, parking areas, etc.), enhances the character of the surrounding area and facilitates pedestrian access and circulation.
- Landscape shade for comfort at building entrances and walkway to Baseline is an integral part of the landscape design.
- Materials of construction have been made compatible with the Resort development to the south and west.
- Buildings and landscape elements have proper scale with the site and surroundings
- Building elevations have architectural detail and contain windows and roof forms that create visual interest.
- Placement of windows supports security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- Treatment of windows, doorways and walkways (proportionality, scale, materials and rhythm) contribute to an attractive public space.
- A well-defined walkway connects the building entrance to adjacent sidewalk on Baseline Road.
- Accessibility is provided in conformance with the Americans with Disabilities Act.
- Security Lighting, as required by ZDC Part 4 Chapter 8, is compatible with the proposed building and site parking layout.
- On site vehicular circulation is designed to minimize conflict with pedestrian access and circulation. Off-site vehicular traffic is heavy; traffic impacts are minimized in conformance with the city transportation policies, plans and design criteria.
- Plans appropriately integrate crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance.
- Landscape accents separate parking, building, driveway and pedestrian walkways.

Conclusion

Based on the revised information provided by the applicant, the public input received and analysis by staff, staff recommends approval of the Development Plan Review request for this retail/restaurant facility. The request meets the required criteria and will conform to the conditions of approval.

REASONS FOR APPROVAL:

1. The General Plan Projected Land Use Map designates this site as mixed use. However, the site is the eastern end of a Commercial District that extends on the south of Baseline from the I-10 freeway west to the resort entrance. The proposed commercial use fits the existing Commercial Shopping and Services District.
2. The project as proposed meets the approval criteria for a Development Plan Review
3. The conditions of approval are reasonable to ensure conformance with the provisions of the Zoning and Development Code.

CONDITIONS OF APPROVAL

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

General

1. Re-submit drawings to the Development Services Building Safety Division for building permit by November 18, 2009 or Development Plan approval will expire.
2. If parking on this site is used to support overflow requirement for parking on adjacent or nearby sites, the Owner is required to prepare a security plan for the site with the Police Department. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended with the architect before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.

Site Plan

3. Provide site screen walls, refuse enclosure, fence pilasters and monument sign base of exposed split face concrete masonry units. Provide masonry stain finish that compliments the color of the building.
4. Remove existing chain link fence if on site. Do not disturb existing off site chain link fence, trees, palms, other plant material and irrigation system to the east of this development in the A.D.O.T. on-ramp frontage, or to the west of this development on the property of the resort. Do not propose modifications to chain link fence in A.D.O.T. on-ramp frontage.
5. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
6. Finish utility equipment boxes in a neutral color (subject to utility provider approval) that compliments the coloring of the building. Do not paint over instructional or warning decals on the equipment boxes.

Floor Plans

7. Restroom Security:
 - a. Lights in public restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by key or remote control mechanism
 - b. Provide a key bypass on the exterior side of single user restroom door hardware.
 - c. Verify if retail and restaurant share public restroom facilities.

Building Elevations:

8. Provide main colors and materials with a light reflectance value of 75 percent or less. The Frazee 8746N "Timber Trail", 8745A "Kayak Brown", 8744D "Sweet-wood" and 8733M Walnut finish for the exterior plaster field colors and accent and the Frazee 8805D "Stonington" for the exterior hollow core metal doors are approved. The 3646 "Eagle" Sunset Blend barrel concrete roof tile is approved. Submit any additions or modifications for review during building plan check. During construction, planning inspection staff field verifies colors and materials.
9. Doors and Windows:
 - a. Use low-e glass in the window wall system, as indicated.
 - b. Identify the reflectivity in the glazing and verify the glazing system has some transparency from exterior to interior. This feature will enhance activity support as outlined in the Police Report, dated September 22, 2006.
 - c. Provide bronze anodized aluminum frames to relate to the coloring of the exterior plaster.
10. Provide secure roof access from the interior of the building. Do not expose any part of roof access to public view.
11. Conceal primary and overflow roof drainage system within the interior of the building.

12. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements. Do not expose conduit, piping, etc. on the exterior elevations of the building or site walls.
13. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard and concealed from public view.

Lighting

14. Illuminate entrances continuously from dusk to dawn.
15. Incorporate exterior lighting into underside of segmental arches in the four building elevations.

Landscape

16. Provide minimum 24" box installation for each landscape island canopy tree.
17. Complete the Evergreen Elm tree row on the west edge of the site. Fill in the planting area adjacent to the drive and west of the building with Elms at approximately 30'-0" on center. Coordinate with civil plan the location of the buried irrigation line so the Elm and the buried pipe installations do not conflict.
18. Irrigation notes:
 - a. Provide a separate dedicated landscape water meter. Do not cross-connect domestic and irrigation water supply.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
 - c. Locate valve controller in a vandal resistant housing or inside the building.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller is inside the building. Conceal the conduit if the controller is mounted outside.
 - f. Repair existing irrigation system in the adjacent A.D.O.T. public right of ways where damaged by work of this project. Provide temporary irrigation to existing A.D.O.T. landscape for period of time that irrigation system is out of repair. Do not permanently provide irrigation to A.D.O.T. landscape.
19. Include requirement in site landscape work to protect and maintain existing on-site trees to remain during construction period and generally de-compact soil in all planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.

Signage

20. Provide one address sign on each side of the masonry base of the monument sign and three address signs on the building, on the west, north and south elevations, as indicated. Conform to the following guidelines for address signs on the building and at the base of the monument sign:
 - a. Halo illuminate the building and monument address signs.
 - b. Provide street number only, not the street name.
 - c. Compose of 12" high, individual mount, metal reverse pan channel characters.
 - d. Adjust locations so sign is unobstructed by trees, vines, etc.
 - e. Do not affix another number or a letter that might be mistaken for the address number.

CODE/ORDINANCE REQUIREMENTS

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, Police Department and Fire Department given on the Preliminary Site Plan Reviews dated September 22, 2006 and March 28, 2007. Direct questions related to specific comments to the appropriate department. Coordinate modifications with concerned parties during building plan check process. Planning staff reviews construction documents as part of the building plan check process to ensure consistency with the Development Plan approval.
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for this project. As applicable, have the landscape architect and the mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59, available from Building Safety (480-350-8341). Contact Water Resources (pete_smith@tempe.gov) if there are any questions regarding the purpose or content of the water reports.
- **HISTORIC PRESERVATION:** State and Federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (joe_nucci@tempe.gov) if questions regarding this process.
- **SECURITY PLAN:** Owner shall have management contact the Crime Prevention Unit of the Police Department (480-858-6330). The Police Department may require a Security Plan, depending upon the businesses that occupy the building. Contact the Police Department as the use becomes known.
- **ZONING AND DEVELOPMENT CODE:** Requirements of the Zoning and Development Code apply to any application. Become familiar with the ZDC to avoid unnecessary review time and reduce the potential for multiple plan check submittals. The ZDC may be accessed through www.tempe.gov/zoning or purchased at Development services.
- **STANDARD DETAILS:**
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov, to Departments, to Building Safety, to Applications and Forms, and the DS details are found under Civil Engineering.
- **FIRE LANE:** Ensure fire lane has at least a 20'-0" horizontal width and a 14'-0" vertical clearance from the paving surface to the underside of adjacent tree canopies, cables or any other projecting element. Indicate the outline of the fire lane on the site plan. Layout of fire lane is subject to approval of the Fire Department (jim_walker@tempe.gov).
- **ENGINEERING:**
 - Obtain Public Works Department approval for utility easement dedications, curb, gutter, sidewalk, driveway and off-site improvements, sewer and water utility and storm water retention plans.
 - Underground utilities requirement excludes high-voltage transmission line. Coordinate site layout with utility providers to provide adequate access easements.
 - Clearly indicate property lines and the dimensional relation of the building to the property lines.
 - Clearly identify City of Tempe, Salt River Project and A.D.O.T. right of way limits and easements.
 - Verify location of easements or other property restrictions and ensure no conflict exists between easements and the site layout or foundation design.
 - Provide 8'-0" wide public sidewalk along Baseline Road (an arterial roadway), or as required by Traffic Engineering Design Criteria and Standard Details.
- **WET UTILITIES:** Verify capacity of existing sewer and water infrastructure for proposed restaurant. Contact Water Utilities Department (tom_anken@tempe.gov).

- REFUSE ENCLOSURE: Construct walls, pad and bollards for refuse enclosure in conformance with Standard Detail DS-116.
- DRIVEWAY:
 - Construct driveway with disabled sidewalk bypass in public right of way in conformance with Standard Detail T-320.
 - Correctly indicate clear vision triangles at driveway and at the southeast property corner on the site and landscape plans. Identify speed limit for Baseline Road at the site frontage. Begin sight triangle in driveway at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services Counter. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- Parking spaces:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - Layout of bike parking is acceptable. Provide bike parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- GREASE TRAP: Identify restaurant kitchen location. Indicate location of grease trap for kitchen on site plan and coordinate with landscape and grading and drainage plans.
- ROOF EQUIPMENT SCREENS: Design roof and parapet to fully conceal anticipated restaurant as well as retail mechanical equipment.
- SERVICE DOOR SECURITY: Provide visual surveillance by means of glazing assemblies in service doors (except to rarely accessed equipment rooms) with a high strength plastic, laminated or other hardened glass security vision panel. Provide 3" wide panel that extends vertically between 43" and 66" from the door threshold.
- CONTROL HEIGHT: Measure height of building from top of curb along front (Price Road on-ramp) of property.
- LIGHTING: Follow requirements listed in the ZDC Part 4, Chapter 8 and in the guidelines listed in the ZDC under Appendix E "Photometric Plan."
- PLANT INVENTORY: Inventory the existing trees, palms and other plants at the perimeter of the site and indicate these by species on the landscape plan. Take care to preserve the trees on-site, including at the base of the bill board, along the canal and in the adjacent Baseline frontage. Expand site landscape work description to include husbandry of these trees throughout construction period. Prune the trees of low-lying branches and otherwise prune lightly to shape each tree. If any tree or plant on-site or in the adjacent frontage is proposed for demolition and is on the State Agricultural Department native/protected list, prepare a separate plant inventory plan and file the plan with the State Agricultural Department along with a State Notice of Intent to Clear Land (www.agricultural.state.us). Copy the City of Tempe with these documents during building plan check.
- LANDSCAPE COORDINATION:
 - Coordinate the location of all exterior site light fixtures with landscape. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.
 - Coordinate placement of trees and other landscape with buried utilities, retention and flood irrigation structures.
- SECURE ROCKS: Secure sizable rocks on site two-thirds in concrete bedding, including 8" diameter angular rock used for erosion protection that are indicated on the grading and drainage drawings.
- ADDRESS SIGNS: Follow requirements of ZDC Sec. 4-903 (A) for address sign illumination and background contrast requirements.

- **SIGNS:** Obtain sign permit for any building mount or monument identification signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Follow ZDC Part 4 Chapter 9 with the design of the signs.

HISTORY & FACTS:

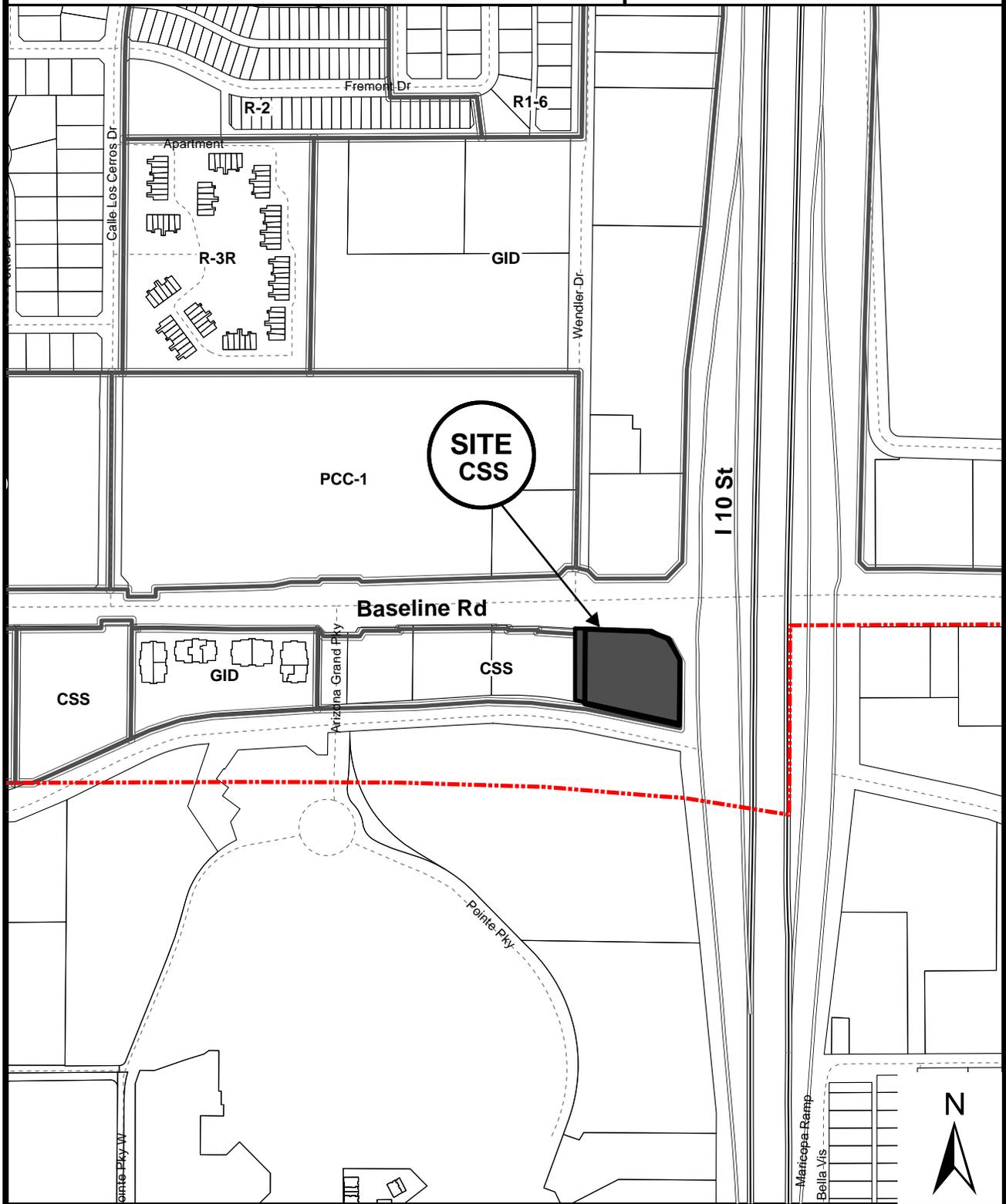
- 1981 Gosnell Development Purchased this site.
- April 28, 1982 The Board of Adjustment approved the request by Gosnell Development Corporation for the following advertising monument signs for the Pointe South Mountain. The sign sites are at 2005 and 2035 West Baseline Road in the C-2 General Commercial District. The governing document is Ordinance 808.
- Variance to allow three center identification signs (two are allowed per Ordinance 808)
 - Variance to allow three center identification signs on the same street frontage (one is allowed per Ordinance 808).
- Note: the center identification sign was not constructed on 2005 West Baseline.
- May 15, 2001 A Grant of Perpetual Easements (I-10 & Baseline) is made as of the 15th day of May, 2001, by LRON, L.L.C., an Arizona limited liability company in favor of ELLER MEDIA COMPANY, a Delaware corporation. Note: this is the outdoor advertising sign structure at the southeast corner of the site.
- April 24, 2003 The Board of Adjustment took the following action regarding the request by Fergis and Harding Inc. (on behalf of Mr. Steve Cooper) for a Temporary Parking Lot at 2005 West Baseline road in the C-1, Neighborhood Commercial District.
- Variance to waive all required landscaping at the beginning and end of each row of parking – denied.
 - Variance to waive all parking lot landscape islands – denied.
 - Variance to waive required parking lot paving and striping – denied.
 - Variance to waive all required parking lot lighting – denied.
 - Variance to allow a driveway within 100 ft. of an intersection – approved.
- May 8, 2007 The Development Review Commission approved the request by BASELINE RETAIL for a one story, 10,000 s.f. retail/restaurant building. The site is 1.593 acres located at 2005 West Baseline Road in the CSS, Commercial Shopping and Services District. This approval expired when the building plan review expired on May 30, 2008.
- May 27, 2008 The Development Review Commission approved the request by BASELINE RETAIL for a Preliminary Subdivision Plat on +/- 1.593 net acres located at 2005 West Baseline Road in the CSS, Commercial Shopping and Services District.
- July 17, 2008 The City Council approved the request by BASELINE RETAIL for a Final Subdivision Plat on +/- 1.593 net acres located at 2005 West Baseline Road in the CSS, Commercial Shopping and Services District. The final subdivision plat was recorded at the Maricopa County Recorder’s office on August 6, 2008. The recordation number is 2008-0684262.
- September 9, 2008 The Development Review Commission continued the request by BASELINE RETAIL for a one story, 10,000 s.f. retail/restaurant building. The site is 1.593 acres located at 2005 West Baseline Road in the CSS, Commercial Shopping and Services District.
- October 28, 2008 The Development Review Commission continued the request by BASELINE RETAIL for a one story, 10,000 s.f. retail/restaurant building. The site is 1.593 acres located at 2005 West Baseline Road in the CSS, Commercial Shopping and Services District.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review

BASELINE RETAIL

PL080308



Location Map



BASELINE RETAIL (PL080308)

Letter of Explanation Development Plan Review

Baseline Retail Tempe, AZ

Baseline Retail is a one-story building on a +/-1.582 acre site at the southwest corner of Baseline Rd. and the I-10 Eastbound onramp in Tempe, Arizona. The one-story building will be approximately 10,000 s.f. 7512+/- s.f. is designated for retail use and 2488 s.f. for restaurant. There will be outside dining/ seating. Exact tenant uses/ occupancies are unknown at this time. Construction type is concrete block, steel-frame interior walls, and wood roof trusses.

A concrete tile roof and varying stucco textures and colors complement the architectural style of the surrounding area. This building is placed on the site to maximize surveillance by providing full visibility from all sides of the building. The main entrance to the building and main pedestrian access is on the highest traffic exposure of the property. There are no adjacent, existing buildings, but the building is set back towards the rear-center of the property to provide variety in the street wall.

Heat gain and retention are mitigated through shade trees and roof/ soffit overhangs. Concrete roof tile and high Light Reflectance Value paint will also mitigate heat gain and retention.

The one-story, 31' high building is 4' shorter than allowed and is set to the rear-center of the site to provide the proper scale. Landscaping is also designed to provide the proper scale. Building elevations are reticulated and stepped to break up the massing and provide a human scale as seen from the walks and adjacent roadways. The building has a clear base and top as identified by crown, column bases and appropriate landscaping. Facades have architectural detail including crown, dentils, soffits, arches, columns and stucco popouts. Storefront glass at the ground level creates visual interest and increases security of adjacent outdoor spaces by maximizing natural surveillance and visibility. Arched windows and doorways contribute to attractive public space.

On-site utilities are placed underground. Clear, well-lighted walkways connect the building to adjacent walkways. Accessibility is provided in conformance with the ADA. Bicycle racks and convenient access to transit are provided to encourage the use of multi-modal transportation. Vehicular circulation is designed to minimize conflict with pedestrian access and circulation. Traffic impact is minimized to conform with city transportation policies, plans and design criteria. The site is designed consistent with

AUG 14 2008

Tempe pedestrian and bicycle facility guidelines to provide safe and orderly circulation while separating bicycles and pedestrians from vehicular traffic.

The site provides excellent visibility for surveillance and safe access and will lend itself to easily accessible maintenance. Landscape buffers and parking screen walls are provided between adjacent roadways and parking. Large landscape islands are provided throughout the site. Landscaping is also provided between pedestrian walks and the building. Lighting is compatible with the building and will not create a negative effect for possible, future adjoining buildings.

Signage is under separate permit and is not part of this application.

If you have any questions or require additional information, please contact me at 602-279-1693.

Sincerely,

A handwritten signature in black ink, appearing to read "CEFER R.A.", with a long horizontal stroke extending to the left.

Chris E. Fergis, R.A.
Fergis & Harding, Inc.

AUG 14 2008

**Addenda to
Letter of Explanation
Development Plan Review**

**Baseline Retail
Tempe, AZ**

In May 2007 this project received DRC approval. Upon receipt of approval, we began to prepare Construction Documents. These drawings were completed and submitted for Permit Review at the beginning of 2008, and later approved for construction. However, the final approval of the construction occurred more than one year after the receipt of the DRC approval. When we attempted to pick up the permits, we were informed that we would have to re-submit because our DRC approval had expired. Upon the Design Review Committee's re-review of this project, some issues have come up that we have addressed in this new submittal. The Grand Hotel expressed a concern about the project which has been addressed. A copy of a letter from Burch & Cracchiolo, outlining the discussion with resort on site access, is enclosed. One of the Commission members expressed concerns about the exterior architecture and the style not being something they would like to see in Tempe. We have re-designed the exterior of the building to address these comments and that re-design is enclosed in this package.

NOV - 5 2008



Arizona Department of Transportation

**Intermodal Transportation Division
Phoenix Maintenance District
2140 W. Hilton Avenue PM00
Phoenix, Arizona 85009**

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

April 2, 2007

Fergis and Harding, Inc.
7227 N. 16th Street, Suite 212
Phoenix, AZ 85020

Re: Baseline Retail (SW corner Baseline Road and EB-I-10 on ramp, Tempe)

Mr. Fergis,

We have received the drawing of your proposed turn out on the above referenced location.

Please inform the City of Tempe that ADOT approved the proposed site. Then you can proceed for the detailed design.

Please call me at (602)712-7193 if you have any questions.

Sincerely,

George Chin
ADOT Phoenix Regional Traffic Engineer

cc: Dan Lance
Tim Wolfe

APR 10 2007



From: Stephen Earl [searl@ECLLAW.COM]
Sent: Thursday, August 21, 2008 1:06 PM
To: O'Melia, Kevin
Cc: Collins, Lisa
Subject: RE: 2005 West Baseline / PL080308

Thank you for letting us know about this upcoming DRC hearing on the corner parcel. In behalf of Arizona Grand Resort, we are concerned with several aspects of this proposed use and site plan. In fact, it isn't clear from the site plan exactly what the use(s) is intended to be. Depending upon the actual nature of the potential uses, there may be a number of ordinance and potential parking problems.

The project driveway onto Baseline Road creates a potentially serious traffic problem, especially during peak hours, when east bound traffic on Baseline Road backs up even beyond the entrance to the Resort. This driveway actually goes into the access lane for the southbound on-ramp onto I-10. This means that customers exiting the site that don't want to enter the freeway, will be forced to cross one or more lanes of highly congested traffic to go eastbound on Baseline or north on I-10. This driveway only allows rights in and rights out, which will introduce un-safe U-Turn movements to and from the site. If the driveway were moved to the west and joint access rights established, then the driveway could line up with the signalized intersection. Such an access would be far safer than the one being proposed.

These are a few of our concerns.

Stephen C. Earl
EARL CURLEY & LAGARDE, P.C.
3101 North Central Avenue, Suite 1000
Phoenix, AZ 85012
Phone: 602-265-0094 Fax: 602-265-2195

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From: O'Melia, Kevin [mailto:kevin_omelia@tempe.gov]
Sent: Thursday, August 21, 2008 10:41 AM
To: Stephen Earl
Cc: Collins, Lisa
Subject: FW: 2005 West Baseline / PL080308

From: O'Melia, Kevin
Sent: Thursday, August 21, 2008 9:53 AM
To: 'searl@ecllaw.com'
Cc: Collins, Lisa
Subject: 2005 West Baseline / PL080308

Mr. Earl,

My apologies, here is a correction to the time of beginning of regular session (6:30pm) on 9/9/08.

ATTACHMENT 7

08/21/2008

PROJECT DATA

SUBMITTED BY: FERGIS AND HARDING, INC.
7227 N. 16th STREET SUITE #212
PHOENIX, AZ 85020
(602) 279-1693 FAX (602) 264-2383

PROJECT NAME: BASELINE RETAIL

PROJECT LOCATION: 2005 W. BASELINE RD.
TEMPE, ARIZONA

PROPOSED USE: RETAIL/ RESTAURANT

LEGAL DESCRIPTION: A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY SEE ATTACHED.

ARCHITECT: FERGIS AND HARDING, INC.
7227 N. 16th STREET SUITE #212
PHOENIX, AZ 85020
(602) 279-1693 FAX (602) 264-2383

SITE AREA: 69,408 S.F. (1.593 ACRES)

BUILDING AREA: 10,000 S.F. (7512 S.F. RETAIL, 2488 S.F. RESTAURANT)

PARKING REQUIRED: 1 SPACE PER 300 S.F. (RETAIL)
= 25.04 SPACES (7512 / 300 = 25.04)
1 SPACE PER 75 S.F. INDOOR RESTAURANT
= 33.18 SPACES (2488 / 75 = 33.18)
1 SPACE PER 150 S.F. OUTDOOR RESTAURANT
= 5.78 SPACES (867 / 150 = 5.78)
64.00 X 125% OF MINIMUM = 80 MAXIMUM ALLOWED

PARKING PROVIDED: 80 SPACES
76 STANDARD SPACES + 4 ACCESSIBLE SPACES

% MAX. LOT COVERAGE: 50%

% LOT COVERAGE: 10,000 / 69,408 S.F. = 14.4%

MIN. LANDSCAPE COVERAGE: 15%

LANDSCAPE COVERAGE: 23,785 S.F. / 69,408 S.F. = 34.3%

PARKING LANDSCAPE AREA REQ'D: 10% OF PAVED AREA
PAVED AREA = 36,059 S.F.

% PARKING LANDSCAPE COVERAGE: 4,292 S.F. / 36,059 S.F. = 11.9%

(AREAS INCLUDED IN PARKING CALCS. HAVE S.F. NOTED ON PLAN)

GENERAL PLAN: MIXED USE

ZONING: CSS

OCCUPANCIES: A-2 (RESTAURANT), M (RETAIL)

OCCUPANT LOAD: N/A: SHELL BUILDING - OCCUPANT LOAD UNDETERMINED

USE: NON-SEPARATED

ALLOWABLE AREA: TYPE VB, PER IBC TABLE 503, 6000 SF ALLOWED, A-2 BEING MORE RESTRICTIVE THAN M

ALLOWABLE INCREASES: At = 6000 S.F.

If = 0.25

Is = 300%

Aa = $6000 + \frac{6000 \times 25}{100} + \frac{6000 \times 300}{100}$

ALLOWABLE AREA: At = 25,500 S.F.

BUILDING HEIGHT ALLOWED: 35'-0" MAX. PROVIDED: +/- 31'-1 1/2"

BUILDING HEIGHT PROVIDED: +/- 31'-1 1/2"

OF STORIES: ONE

SPRINKLERED: YES

SETBACKS REQUIRED: FRONT: 0'-0"
SIDES: 0'-0" STREET 0'-0" NON-STREET
REAR: 10'-0"

SETBACKS PROVIDED: FRONT: 11'-5 3/4"
SIDES: 85'-11" STREET 44'-6 1/2" NON-STREET
REAR: 52'-11 1/4"

BICYCLE PARKING REQUIRED: 1 SPACE PER 3000 S.F. (RETAIL)
7512 S.F. / 3000 = 2.51 SPACES REQUIRED

1 SPACE PER 1000 S.F. (RESTAURANT)
2488 S.F. / 1000 = 2.49 SPACES REQUIRED

1 SPACE PER 2000 S.F. (OUTDOOR RESTAURANT)
900 S.F. / 2000 = 0.45 SPACES REQUIRED

TOTAL SPACES REQUIRED: 5.45 SPACES

BICYCLE PARKING PROVIDED: 6 SPACES

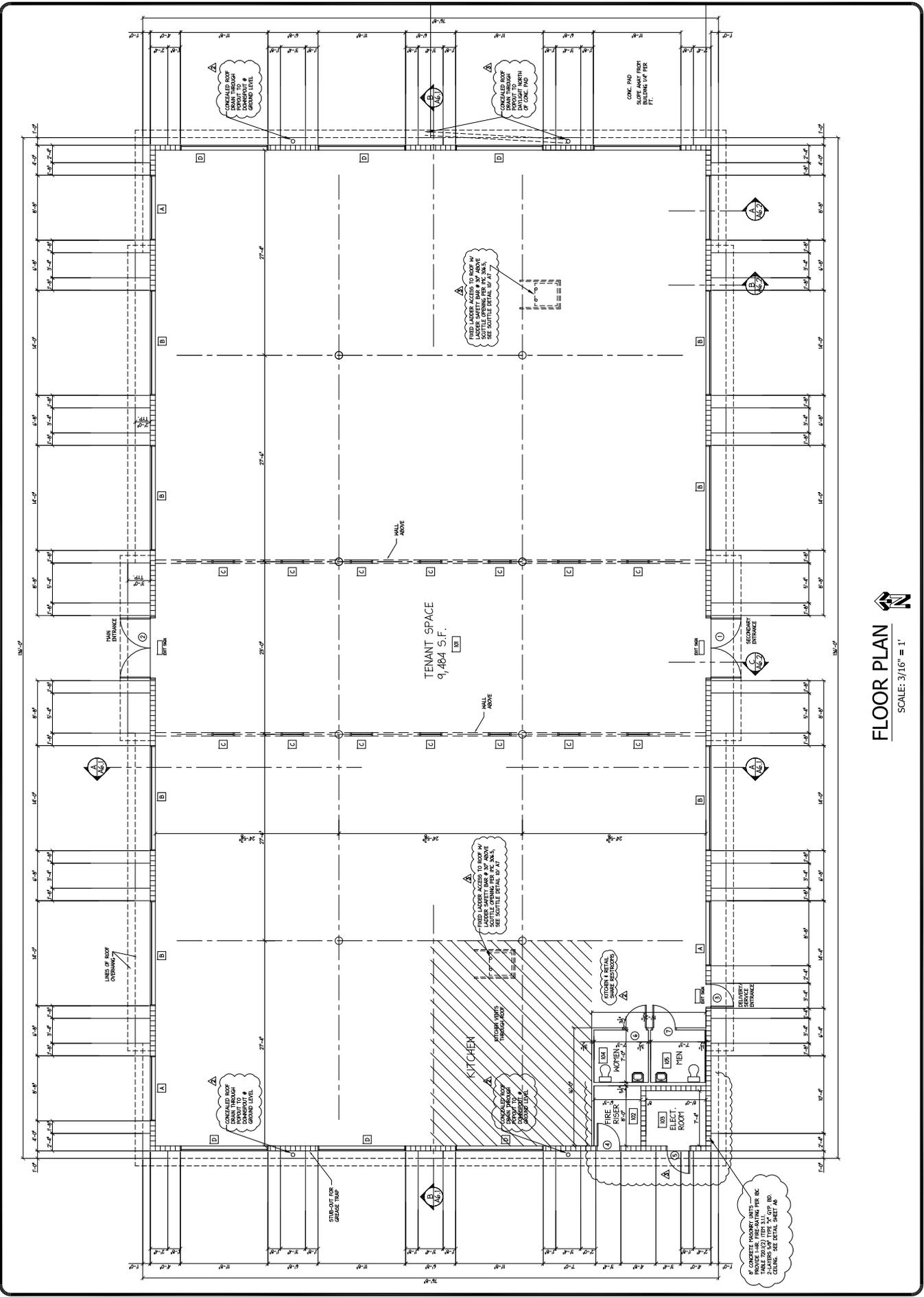


STUCCO FIN. TO MATCH MAIN BODY OF BUILDING OVER 4" FORMED, POURED CONC. WALL, PAINTED TO MATCH MAIN BODY OF BUILDING (FRAZEE 8733M WALNUT WASH.) BOTH SIDES OF WALL

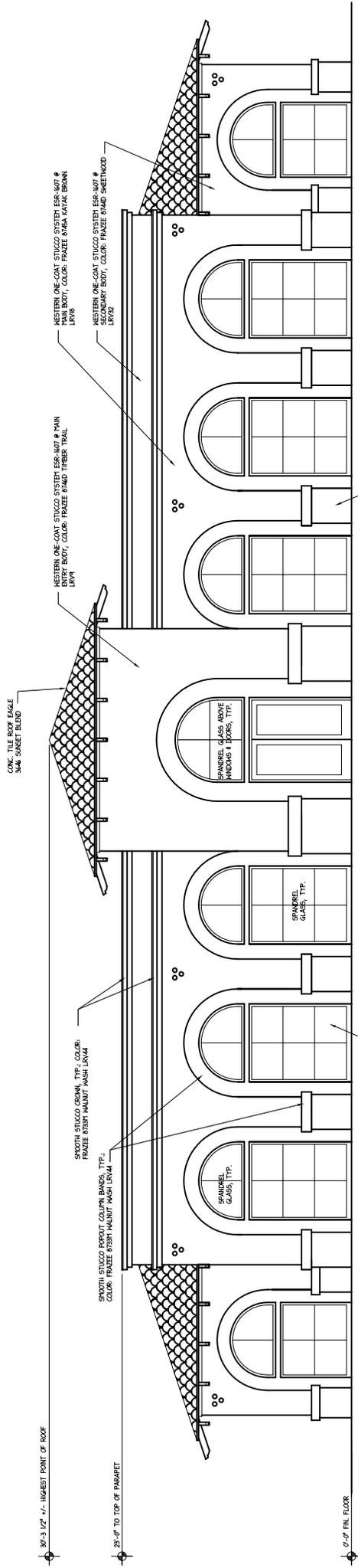
FERGIS & HARDING, INC.
7227 N. 16th STREET #212
PHOENIX, AZ 85020
PHONE: (602) 279-1693
FAX: (602) 264-2383



BASELINE RETAIL

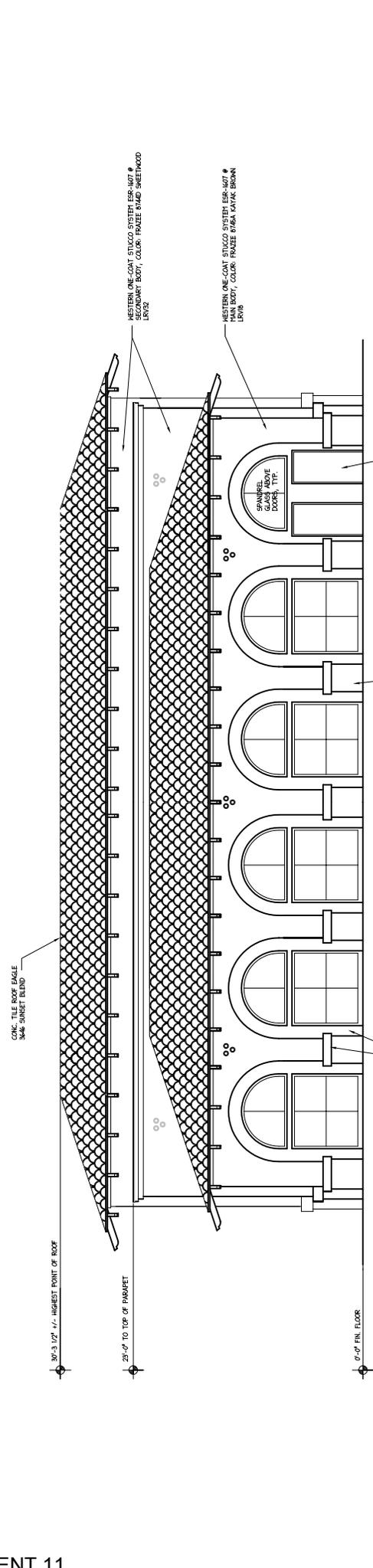


FLOOR PLAN
 SCALE: 3/16" = 1'

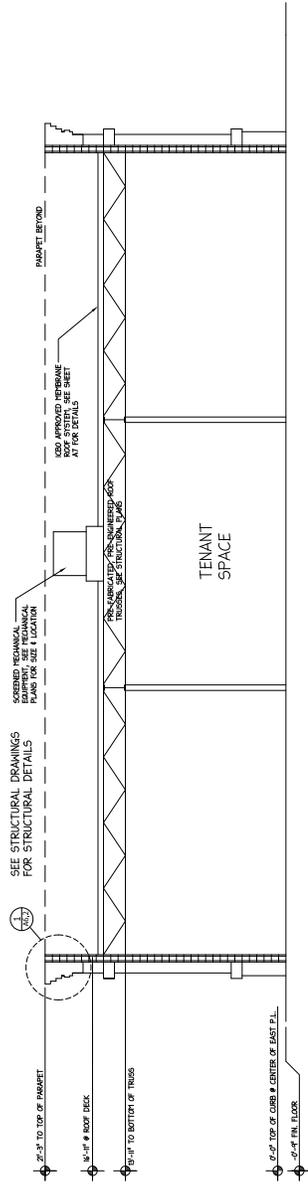


NORTH ELEVATION
SCALE: 3/16" = 1'

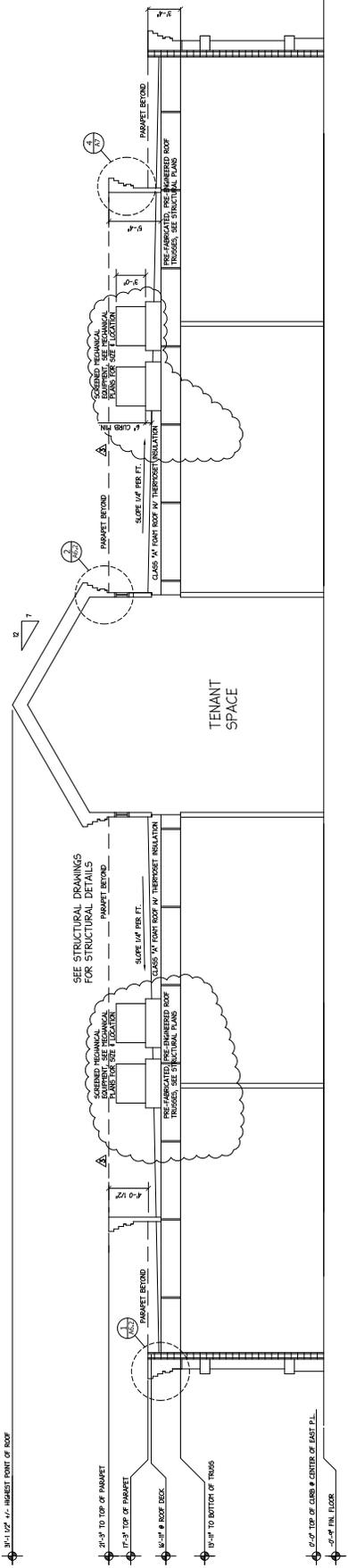
ALL GLAZING TO BE LOW-E, NON-REFLECTIVE,
WITH BRONZE-TINTED FRAMES



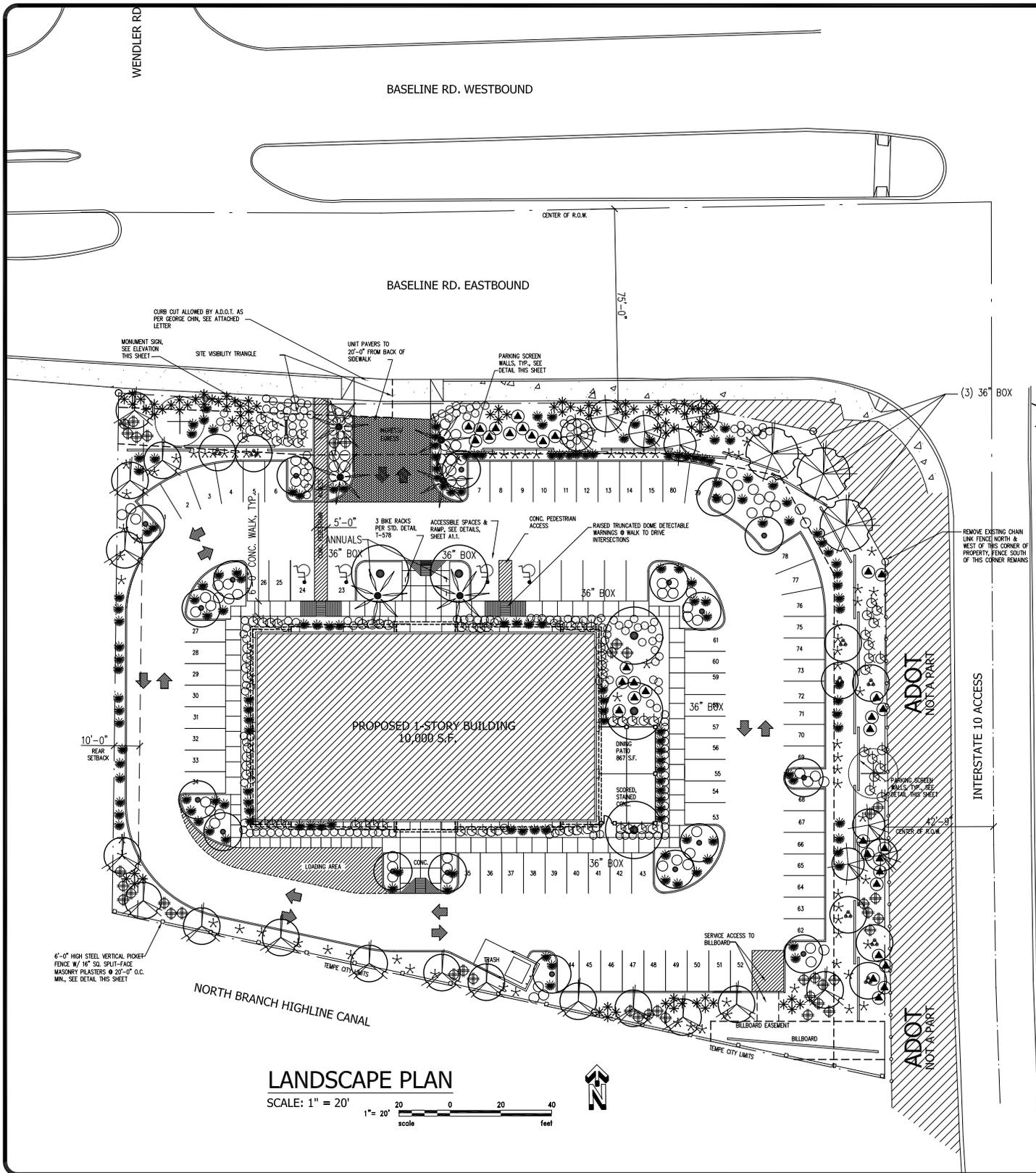
WEST ELEVATION
SCALE: 3/16" = 1'



BUILDING SECTION A-A/C
 SCALE: 3/16" = 1'



BUILDING SECTION B-B/C
 SCALE: 3/16" = 1'

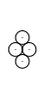


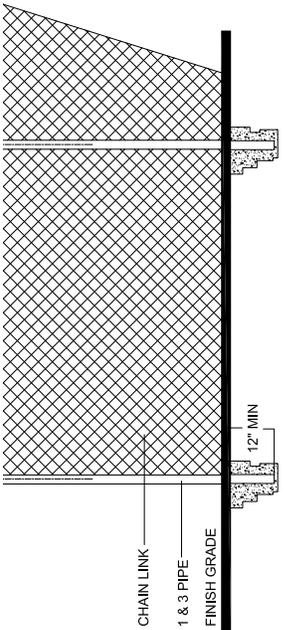
- LANDSCAPE**
- PROS 36"
 - CU 24"
 - ACA SW 24"
 - WASH MEX 20"
 - CEC DE 15 0"
 - CEC DE 24"
 - ULM EV 36"
 - COE 1 0"
 - RUE TH 1 G
 - 1/2" DE 2" D
 - DAL TR 5 G
 - CHR DAM 5 G

LANDSCAPE PLAN
 SCALE: 1" = 20'

0 20 40
 scale feet

LANDSCAPE LEGEND

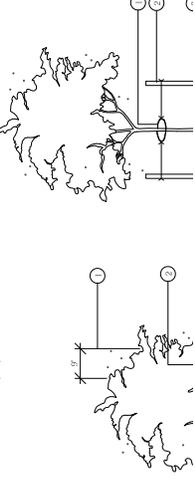
-  PROSOPIS 'HYBRID'
CULTIVAR MESQUITE (THORNLESS)
36" BOX
-  ACACIA SMALLII
SWEET ACACIA
24" BOX
-  WASHINGTONIA ROBUSTA
MEXICAN FAN PALM
20" TRUNK FT. (MATCHING, SKINNED)
-  CECIDIUM 'HYBRID'
DESERT MUSEUM
15 GALLON
-  CECIDIUM 'HYBRID'
DESERT MUSEUM
24" BOX
-  ULMUS PARVIFOLIA
EVERGREEN ELM
36" BOX
-  CONVULVULUS CNEORUM
BUSH MORNING GLORY
1 GALLON
-  RUELLIA BRITONIANA 'KATIE'
TRAILING RUELLIA
1 GALLON
-  DALEA GREGGII
TRAILING INDIGO BUSH
5 GALLON
-  CHRYSACTINIA MEXICANA
DAMIANTA
5 GALLON



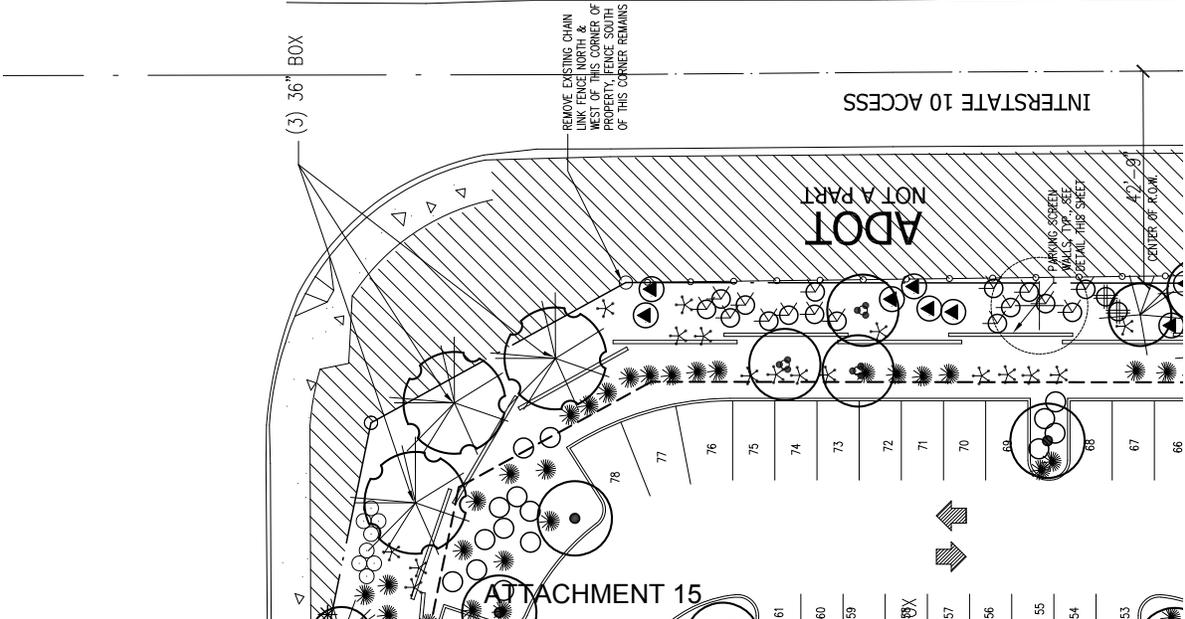
CHAIN LINK FENCE DETAIL NOT TO SCALE

-  LANTANA MONTEVIDENSIS
GOLD MOUND
5 GALLON
-  MUHLENBERGIA RIGIDA 'NASHVILLE'
NASHVILLE
5 GALLON
-  LANTANA MONTEVIDENSIS
'PURPLE TRAILING'
5 GALLON
-  ROSEMARINUS PROSTRATA
ROSEMARY
5 GALLON
-  EXISTING PALO VERDE
TO REMAIN IN PLACE
PROTECT FROM CONSTRUCTION

EXISTING TREE NOTE:
TREES TO BE PROTECTED BY A SIX FOOT CHAIN LINK FENCE
NOTE: ALL RIP RAP TO BE PLACED IN CONCRETE PER ZDC 4-702 (E)



NOTE: TRUNKED TREES TO HAVE MAJOR LEADERS STAGED



T.J. McQUEEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
SITE PLANNING
URBAN DESIGN
1121 East Missouri Ave., Suite 218
Phoenix, Arizona 85014
(602) 265-0320
(Fax) 266-6619 (E-MAIL) tmqueen@tjma.net



BASELINE

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REVISIONS:



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NORTH ELEVATION
SCALE: 3/16" = 1'



WEST ELEVATION
SCALE: 3/16" = 1'



SOUTH ELEVATION
 SCALE: 3/16" = 1'



EAST ELEVATION
 SCALE: 3/16" = 1'

BURCH & CRACCHIOLO, P.A.
ATTORNEYS AT LAW

MAILING ADDRESS
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PHOENIX, ARIZONA 85011

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SUITE 200
PHOENIX, ARIZONA 85014

(602) 274-7611
FAX (602) 234-0341

Andrew Abraham
(602) 234-9917
aabraham@bcattorneys.com

November 3, 2008

VIA FACSIMILE

Scott McCoy
Earl Curley & Lagarde PC
3101 N. Central, Suite 1000
Phoenix, Arizona 85012

Re: Baseline Retail (PL 080308)

Dear Scott:

I am writing as a follow up to the meeting which I had with the representative of the Arizona Grand Resort as well as our several discussions relating to my client's application pending in front of the City of Tempe Development Review Commission.

First, let me thank you and your client for the open and honest discussions that we have had. As you know, those discussions have focused on two issues - - the use of my client's property and ingress/egress to/from my client's property.

On the first issue, as I discussed with you and the Resort's representative, our application with the City does not seek any zoning changes but, instead, is limited solely to development plan review. There is no plan to apply for any change in zoning and, of course, the property, as developed, will be used in compliance with the applicable zoning code provisions. Any change of zoning will be subject to public hearings and other notice requirements. For these reasons, my client was not willing to deed-restrict the property as suggested by the Resort.

The second issue raised by your client was the possibility of relocating the site access to Wendler Drive south of Baseline. As I discussed with the Resort's representative, we have had numerous discussions with City staff with respect to site access. For the reasons noted in the most recent staff report prepared for the October 28th hearing, and as the City's traffic engineer testified before the commission on September 9th, we believe that the "right-in/right-out" driveway as currently proposed would be the better of the two access choices that we have discussed. In discussing this matter further with the City's traffic engineer, we believe that the placement of the driveway as currently proposed will have a smaller impact on the Baseline Road traffic than making further improvements to the Wendler Drive and Baseline intersection. Additionally, we do not

BURCH & CRACCHIOLO, P.A.

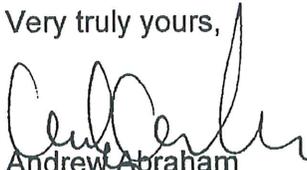
Scott McCoy
November 3, 2008
Page 2

believe that this issue has an impact on the Resort's access which, as you know, is further to the west off of Baseline.

I also wanted to let you know that we have had additional discussions with the City's planning staff and are in the process of modifying the proposed building elevations in order to reflect more of a southwest character. Although this issue was not raised by the Resort during our meeting, I do note that you made some comments during your testimony on September 9th related to the building elevations and I believe that the changes we are making are responsive to those comments.

Thank you again for taking time to discuss this matter with me and please pass on my thanks to the Resort as well. Let me know should you have any questions.

Very truly yours,



Andrew Abraham
For the Firm